From: Frank Fox
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: The Microsoft monopoly.

Microsoft is a monopoly.

At almost any time Microsoft can push its choice on any of its large customers such as Dell or Gateway, and strong-arm hardware suppliers like Intel, or give away free software until competition is eliminated. These items have been demonstrated in the find of facts. How to control or limit such power is the question. There are three choices, break up, financial penalty, and auditing of business practices.

Break Up. The Windows operating system is worthless without the Office Suite (Microsoft Word, Excel, and PowerPoint). MICROSOFT successfully used the threat of taking away the Office software against Apple Corporation. Splitting the business along these units makes some sense, but what forces the Office division to start writing for other OS's. Since Windows already has the biggest share, satisfying that customer alone is good enough. Just look at video games, many are Windows only products because they have the market share and why spend the money to develop for another much smaller audience. The Office Suite needs to be ported and supported to multiple OS's to prevent the Windows strangle hold.

Decision: Don't break up the company. Instead require the Office Suite to be equally support on the Macintosh OS (easy enough since it already is) and moved also to Linux (this would drive them crazy).

Financial Penalty. How much money would you have to charge MICROSOFT to get them to care? We are taking cash here not software or hardware give aways. And if you set the fee based on an independent analysis of the damages caused to other businesses and consumers, how long would it be tied up in court?

Decision: Good idea but years of legal battles and huge lawyer fees. Still for a big enough fine I could live with this. Let AOL battle this one out. If they win other plaintiffs will come forward.

Audit Business Practices.
1. Standard fees for everyone. Not to say that higher quantities won't give discounts but no side deals to favor one customer over another. They are a monopoly; any side deals are just to force other companies to comply.
2. No free or drastically reduced software, without a business plan to recover the costs that doesn't include elimination of competition and dominance of market sector, i.e., the free software has to turn a profit before taking away significant market share from competitors.
3. Relinquish control of desktop. The choice of visible icons and button

are to be configurable by distributors. If Dell wants to have an icon that launches their web site using Netscape, then MICROSOFT can't say no, or penalize Dell in any way. Sure MICROSOFT owns the rights to the OS but the desktop display belongs to the customer.

4. No breaking a competitors software by providing insufficient or incorrect information to software developers. E.g., MICROSOFT releases a OS upgrade and company B's software that worked fine under the old OS, and MICROSOFT did not release the info to the public that would have allowed company B to release a patch in time.

If you really want to break the Microsoft monopoly, some combination of all thee should be used until Apple, Linux, OS2, Be, operating system can come forward with enough market share to resist MICROSOFT deep pockets.

- Frank Fox